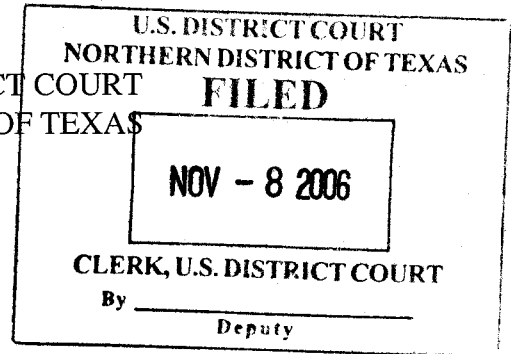


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



JERRY CARL SCOTT,

Petitioner,

v.

NATHANIEL QUARTERMAN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:06-CV-0262

ORDER ADOPTING REPORT AND RECOMMENDATION,
DENYING OBJECTIONS TO ORDER TO TRANSFER,
and DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner JERRY CARL SCOTT, a state inmate confined in the Dalhart Unit for a Dallas County conviction, has filed a petition for a federal writ of habeas corpus challenging a prison disciplinary proceeding which took place at the Eastham Unit. Said habeas petition was filed in the Dallas Division of the United States District Court for the Northern District of Texas without prepayment of the required \$5.00 filing fee. On September 29, 2006, the Dallas Division court transferred petitioner's case to this Court.

On October 3, 2006, the Court entered a Report and Recommendation in this cause finding petitioner does not qualify for a grant of pauper's status and recommending that the petition for a writ of habeas corpus filed by petitioner be dismissed for failure to pay the \$5.00 filing fee. Petitioner was advised that if he paid the filing fee within fourteen (14) days after the

filing date of the Report and Recommendation, the recommendation of dismissal would be withdrawn.

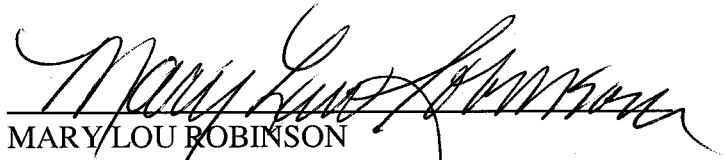
On October 12, 2006, petitioner filed with this Court his objections to the transfer of his case to this Court. By his objections, petitioner notes both the Dallas Division and the Amarillo Division have jurisdiction to consider his case and that he chose the Dallas Division as his venue of choice. As of this date, no objections to the Report and Recommendation have been filed of record, nor has the \$5.00 filing fee been paid.

Based upon an independent examination of the record in this case, the District Judge is of the opinion that the Magistrate Judge's Report and Recommendation should be, and hereby is, ADOPTED. Petitioner's objections to the transfer of his case are hereby DENIED as the requisite filing fee to initiate this case has not been submitted. The petition for a writ of habeas corpus filed by petitioner JERRY CARL SCOTT is DISMISSED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

IT IS SO ORDERED.

ENTERED this 8th day of November 2006.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE